

# TOWN OF HIGHGATE Selectboard

## Dog Bite Hearing

December 16, 2014 @ 7:30pm

### Approved Minutes

***NOTE: All actions taken are unanimous unless otherwise stated.***

#### **A. Call to Order**

The hearing was called to order by Jeff Towle @ 7:30pm. Present for this hearing were: Jeff Towle, Chris Yates, Andy King, Diana O'Hara, Ray Dixon, Wendi Dusablon, Ralph Comiskey, Brandi Maskell and Cash Maskell

Ray Dixon began by going over the facts of this situation. Ray received a call from Frankie Maskell (mother). She stated that on November 29<sup>th</sup> her son was bit on the finger by a dog owned by Ralph & Liza Comiskey @ 101 Lime Kiln Road. The incident happened inside the home @ 101 Lime Kiln Road. The dog is vaccinated through June 2016 and is licensed with the Town of Highgate. Frankie Maskell stated that her son was not truthful to her about what happened to his finger and did not tell her the actual truth until Sunday night, November 30<sup>th</sup>. Her son saw the school nurse in Swanton with regard to the bite. Ray spoke with Liza and asked her to keep the dog quarantined for 10 days. After 10 days Ray went back and followed up, and the dog was fine and healthy.

Ralph Comiskey did not have anything to add, but did wonder if this hearing was required every time. Chris Yates noted that the board erred on the side of caution, because the roles were reversed from the last dog bite hearing we held on November 12<sup>th</sup>. The town did not want this to look like there was any favoritism being shown. Chris apologized to Mr. Comiskey stating that the dog was on its own property, as was the dog on the previous incident @ 190 Lime Kiln Road. With the previous incident it was reported by a school nurse to us, which is why the hearing took place. In this incident, due to the role reversal and the involvement of a town employee, the board thought this hearing should be documented. We have a new ordinance which states a hearing should take place within a certain time frame.

Ralph stated that his time is valuable, and he is sure that the board's time is valuable also. He is not upset about this, but feels it was going overboard. Jeff again reiterated that the board erred on the side of caution so it would not be looked at as anyone being given special treatment. Brandi Maskell asked about the letter she received after their hearing on November 12<sup>th</sup>. It stated that her dog should be kept on their own property and leashed if not on their own property. She asked if anything could come back on them if JD got loose and visited the neighbors. Ray noted that he would only visit Lime Kiln Road if somebody complained, because a dog off its own property is considered "at large". Ray knows that the residents of Lime Kiln Road deal with their own issues and it works well for them.

Chris also apologized and stated that the town needs to do a better job of notifying people personally before notices go public. Currently, dog owners and bite victims are notified by certified mail. Abutting neighbors are notified via regular mail and the notices are posted around town, on FB and

on the website for transparency purposes and in accordance with open meeting law. In this case, this notice was sent via email to Liza for notification purposes and also for posting purposes. The notice was sent to Frankie Maskell via certified mail and Liza also asked that we call her, which Heidi did do. Abutting neighbors were sent notices via regular mail.

Cash Maskell added that he has lived on Lime Kiln Road for most of his life and has been bit a few times, but always dealt with the pet owners privately.

Motion by Chris Yates to move this incident as a documented incident with no further action necessary. Motion was seconded by Andy King – **APPROVED.**

Motion by Jeff Towle to close the hearing @ 7:40pm. Motion was seconded by Chris Yates – **APPROVED.**

Respectfully submitted by:

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Wendi Dusablon, Highgate Town Clerk

Minutes approved by:

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Jeff Towle, Chair - Highgate Selectboard